AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (Previously Presented) A fitment for a container having a top end and a first wall associated with the top end and an opening extending through the thickness of the first wall, comprising:

a circumferential flange member adapted to engage the top wall of the container in circumscribing relationship to the opening through the top wall for mounting of the fitment to the container,

a second wall upstanding from the flange member and defining a conduit having an inner wall and entrance and exit ends through which contents of the container may be discharged,

at least the exit end of the conduit having a substantially ellipsoidal planar cross-sectional geometry having at least one major portion and at least one minor portion,

the minor portion being disposed vertically above the major portion when the fitment is affixed to the first wall of the container and the container is oriented in a direction for discharge of the contents of the container through the opening and substantially simultaneous ingress of ambient air into the container through the minor portion of the fitment,

a tear away membrane with a tamper evident membrane portion disposed across the conduit at a location fully within the conduit intermediate the entrance and exit of the conduit and spaced apart from the circumferential flange, wherein the first wall associated with the top end of the container will be in a plane between the membrane portion and the circumferential flange, and the tamper evident membrane portion having a perimeter releasably joined to the inner wall of the conduit whereby the tamper evident

membrane portion closes the conduit, the tamper evident membrane including a pull ring affixed to the tamper evident membrane portion adjacent to the at least one minor portion of the conduit and configured to provide for localization of an initial tear away force applied through the pull ring to the tamper evident membrane portion adjacent to the at least one minor portion of the conduit to reduce the force needed for initiation of tearing away of the tamper evident membrane portion from the inner wall of the conduit at the minor portion, and

a cap member pivotally connected to the wall defining the conduit, the cap having an annular receiving area between first and second annular projections, the annular receiving area configured to receive therein in a sealing engagement an outboard rim of the second wall to thereby releasably close and seal the conduit against the passage of the contents of the container therethrough.

2. (Previously Presented) The fitment of Claim 1 wherein the cross-sectional geometry of at least the exit end of the conduit has an aspect ratio of less than one.

3. (Previously Presented) The fitment of Claim 1 wherein the container and the fitment each includes a longitudinal centerplane and the centerplanes are coincident when the fitment is affixed to the top end of the container.

4. (Previously Presented) The fitment of Claim 1 wherein the cap is integrally formed in hinged relationship with the wall defining the conduit.

5-18. Cancelled

19. (Previously Presented) The fitment of Claim 1 wherein the circumfrential flange is physically disposed internally of the container and affixed to the inner surface of the first wall associated with the top end of the container and the second wall extends from the circumfrential margin of the opening outwardly of the opening to define the conduit.

20. (Previously Presented) The fitment of Claim 19 wherein the second wall upstanding from the circumferential flange member projects from the circumfrential flange through the opening defined through the first wall associated with the top end of the container.

21. (Previously Presented) The fitment of Claim 19 wherein the membrane is wholly disposed within the conduit and at a location within the conduit spaced apart from the opening.

22. (Previously Presented) The fitment of Claim 1 wherein the fitment is a one-piece fitment with the second wall, the tear away membrane and the cap are integrally connected to each other.

23. (Previously Presented) The fitment of Claim 1 wherein the cap member is integrally connected to the wall defining the conduit by a hinge member with first and second elongated elements having an intermediate portion with a reduced thickness, and a third element integrally connected with the first and second elements and having a central portion movable between a folded position and a first open position, the central portion configured to aid in retaining the cap in a second open position while allowing the cap member to pivot via the first and second elongated elements to a closed position in sealable engagement with the outboard rim of the second wall.

24. (Previously Presented) The fitment of Claim 1 wherein the cap member has a hinge member integrally connected to the conduit and configured to allow the cap member to move to a closed position and to hold the cap in an open position.

25. (Amended) A fitment and container assembly, comprising:

a container having a top end and a first wall associated with the top end and an opening extending through the thickness of the first wall, the opening having an ellipsoidal shape,

a circumferential flange member adapted to engage the top wall of the container in circumscribing relationship to the opening through the top wall for mounting of the fitment to the container,

a second wall extending from ~~said~~ the flange member and defining a conduit having an inner wall and entrance and exit ends, the conduit having a substantially ellipsoidal planar cross-sectional geometry substantially corresponding to the ellipsoidal shape of the opening and having a major portion and a minor portion,

the minor portion being disposed vertically above the major portion when the fitment is affixed to the first wall of the container and the container is oriented in a direction for discharge of the contents of the container ~~thought~~ through the opening and substantially simultaneous ingress of ambient air into the container through the minor portion of the fitment,

a tear away membrane with a tamper evident membrane portion disposed across the conduit at a location fully within the conduit intermediate the entrance and exit ends of the conduit and spaced apart from the circumferential flange, wherein the first wall associated with the top end of the container will be in a plane between the membrane portion and the circumferential flange, and the tamper evident membrane portion having a perimeter releasably joined to the inner wall of the conduit whereby the tamper

evident membrane portion closes the conduit, and the tamper evident membrane includes a pull ring affixed to the tamper evident membrane portion adjacent to the minor portion of the conduit and configured to provide for localization of an initial tear away force applied through the pull ring to the tamper evident membrane portion adjacent to the minor portion of the conduit to reduce the force needed for initiation of tearing away of the tamper evident membrane portion from the inner wall of the conduit, and

a cap integrally connected to the conduit and having an ellipsoidal shape substantially corresponding to the ellipsoidal planar cross-sectional geometry of the conduit and configured to pivot relative to the conduit between open and closed positions.

26. (Previously Presented) The assembly of Claim 25 wherein the cap has an annular receiving area between first and second annular projections extending from a surface thereof, the annular receiving area configured to receive therein in a sealing engagement an outboard rim of the conduit to thereby releasably close and seal the conduit against the passage of the contents of the container therethrough.

27. (Previously Presented) The assembly of Claim 25 wherein the cross-sectional geometry of the conduit has an aspect ratio of less than one.

28. (Previously Presented) The assembly of Claim 25 wherein the container and the fitment each includes a longitudinal centerplane and the centerplanes are coincident.

29. (Previously Presented) The assembly of Claim 25 wherein the circumfrential flange is physically disposed internally of the container and affixed to the inner surface of the first wall associated with the top end of the container and the

conduit extends orthogonally from the circumfrential margin of the opening outwardly of the opening.

30. (Previously Presented) The fitment of Claim 25 wherein the membrane portion and the pull ring are wholly disposed within the conduit and at a location within the conduit spaced apart from the opening.

31. (Previously Presented) The fitment of Claim 25 wherein the fitment is a one-piece fitment with the conduit, the tear away membrane and the cap being integrally connected to each other.

32. (Previously Presented) The fitment of Claim 25 wherein the cap is connected to the conduit by a hinge member having first and second elongated elements having an intermediate portion with a reduced thickness, and a third element integrally connected with the first and second elements and having a central portion movable between a folded position and a first open position, the central portion configured to aids in retaining the cap in a second open position while allowing the cap to pivot via the first and second elongated elements to a closed position in sealable engagement with the outboard rim of the second wall.